REMARKS

Claim Amendment

In an effort to focus Applicants' claim and move the case forward, Applicants have amended independent claims 1, 7, and 13 to include additional limitations from the specification. Support for these amendments may be found in the original specification at page 75, lines 6-9. Applicants submit that the amendments do not introduce any new matter into the patent application.

Claim Rejections – 35 U.S.C. § 102 Over Natsume

Claims 1-18 stand rejected under 35 U.S.C § 102(e) as being anticipated by Natsume *et al.* (U.S. Publication No. 2004/0199631). To anticipate claims 1-18 under 35 U.S.C. § 102(e), two basic requirements must be met. The first requirement of anticipation is that Natsume must disclose each and every element and limitation as set forth in the Applicant's claims. The second requirement of anticipation is that Natsume must enable Applicant's claims. Natsume does not meet either requirement and therefore does not anticipate Applicant's claims.

Natsume Does Not Disclose Each and Every Element Of The Claims Of The Present Application

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 1 of the present application recites:

> 1. A method for improving the devices in a domain, the method comprising:
>
> receiving, within a network, a plurality of device effectiveness records for a first user created in a first domain, each device effectiveness record

including information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition;

storing the plurality of device effectiveness records;

identifying an effective device ID for the first user in dependence upon the plurality of device effectiveness records; and

notifying a second user in a second domain of the effective device ID.

As explained in more detail below, Natsume does not disclose each and every element of claim 1, and Natsume therefore cannot be said to anticipate the claims of the present application within the meaning of 35 U.S.C. § 102(e).

Natsume Does Not Disclose Receiving, Within A Network, A Plurality Of Device Effectiveness Records For A First User Created In A First Domain

The Office Action takes the position that Natsume at paragraphs 0080, 0081, 0099, and 0114-0115, discloses the first element of claim 1: receiving, within a network, a plurality of device effectiveness records for a first user created in a first domain, each device effectiveness record including information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition. Applicants respectfully note in response, however, that what Natsume at paragraphs 0080, 0081, 0099, and 0114-0115 in fact discloses is:

[0080] The exhibit information is transmitted to the portable user device 101 upon inquiry or automatically whenever the user terminal 101 is in the vicinity of a specific exhibit station. In addition to such general information, the exhibit information wirelessly transmitted to the user terminal 101 may be various lists or pull down menus relating to general services or information about an exhibitor at a specific location of the portable user device, to prompt the user for a choice as to information desired. Thus the exhibit information is updated on a real time basis so

that updated information is provided to the user throughout their visit at any time and location, without the user being required to return to the reception area for a reloading of information.

[0081] The user's behavior analyzing unit 208, in response to visitor or user information such as real time location, preference choices and inquiries or the like, analyzes such user information and creates a user profile. The user profile, under control of the data management unit 210, is stored in the user storage unit 211 or transmitted to a user or exhibitor, preferably by a LAN or WAN as a result of analysis 214. The profile created could include weighting factors and use fuzzy logic.

[0099] FIG. 3, ACT 3N: At that time, the data management unit 210 sends an identification of the user's activity (for example identification of the requested information, the user's ID, a time stamp and location stamp, e.g. exhibit grid coordinates or exhibitor's station stamp) to the user behavior analyzing unit 208, which information is then used to profile the user.

[0114] FIG. 4, ACT 4K: Upon receipt of the negative response from the user, the data management unit 210 deletes or releases the saved link. Then the data management unit 210 communicates with the user behavior analyzing unit 208 to provide information that the specific user is not interested in the specific information that was sent to the user for approval. The user behavior analyzing unit 208 therefore records and analyzes not only the preferences of the user from the point of view of what material the user does gather, but also analyzes the preferences of the user from the point of view of what material the user is aware of but does not want.

[0115] FIG. 4, ACT 4L: Periodically or upon request by a user or exhibitor or the data management unit 210 itself, a profile of the user's activity is sent from the user's behavior management unit system 208 to the data management unit 210, to be distributed according to the request. The data management unit 210 uses the profile to find other related activities of interest to the user. The data management unit 210 suggests such other related activities to the user. For example, if the user has just visited a station displaying and/or requested information concerning a specific product type, the data management unit 210 may make suggestions to the user as to other stations relating to that product type.

That is, Natsume at paragraphs 0080, 0081, 0099, and 0114-0115, discloses a behavior analyzing unit that creates a user profile based on a user activity data collected when the user enters the vicinity of an exhibit. The user activity data used to create the user profile may include visitor or user information such as real time location, preference choices, information inquiries, and so on. Natsume's behavior analyzing unit that creates a user

profile based on a user activity data collected when the user enters the vicinity of an exhibit, however, does not disclose receiving, within a network, a plurality of device effectiveness records for a first user created in a first domain as claimed in the present application because Natsume's user profile is not a device effectiveness record as claimed in the present application. As claimed, a device effectiveness record includes information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition. In contrast, Natsume's user profile is based upon user activity information collected when the user enters the vicinity of an exhibit—not information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition. That is, Natsume's user profile describes a user, while a device effectiveness record describes a device. Without more, Natsume cannot disclose the first element of claim 1. Because Natsume does not disclose each and every element and limitation of Applicants' claims, Natsume does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

Natsume Does Not Disclose Identifying An Effective Device ID For The First User In Dependence Upon The Plurality Of Device Effectiveness Records

The Office Action takes the position that Natsume at paragraphs 0099, 0100, 0101, and 0115 discloses the third element of claim 1: identifying an effective device ID for the first user in dependence upon the plurality of device effectiveness records. Applicants respectfully note in response, however, that what Natsume at paragraphs 0099, 0100, 0101, and 0115 in fact discloses is:

> [0099] FIG. 3, ACT 3N: At that time, the data management unit 210 sends an identification of the user's activity (for example identification of the requested information, the user's ID, a time stamp and location stamp, e.g. exhibit grid coordinates or exhibitor's station stamp) to the user behavior analyzing unit 208, which information is then used to profile the user.

> [0100] FIG. 3, ACT 3O: Periodically or upon request by a user or exhibitor or the data management unit 210 itself, a profile of the user's activity is sent from the user's behavior management unit system 208 to the data

management unit 210, to be distributed according to the request. The data management unit 210 uses the profile to find other related activities of interest to the user. The data management unit 210 suggests such other related activities to the user. For example, if the user has just visited a station displaying and/or requested information concerning a specific product type, the data management unit 210 may make suggestions to the user as to other stations relating to that product type.

[0101] The user behavior analyzing unit 208 therefore records and analyzes the preferences of the user from the point of view of what material the user does gather.

[0115] FIG. 4, ACT 4L: Periodically or upon request by a user or exhibitor or the data management unit 210 itself, a profile of the user's activity is sent from the user's behavior management unit system 208 to the data management unit 210, to be distributed according to the request. The data management unit 210 uses the profile to find other related activities of interest to the user. The data management unit 210 suggests such other related activities to the user. For example, if the user has just visited a station displaying and/or requested information concerning a specific product type, the data management unit 210 may make suggestions to the user as to other stations relating to that product type.

That is, Natsume at paragraphs 0099, 0100, 0101, and 0115, discloses a data management unit that uses a user's activity profile to identify other related activities of interest to the user. Natsume's data management unit that uses the user's activity profile to identify other related activities of interest to the user, however, does not disclose identifying an effective device ID for the first user in dependence upon the plurality of device effectiveness records as claimed in the present application because Natsume's user profile is not a device effectiveness record as claimed in the present application. As claimed, a device effectiveness record includes information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition. In contrast, Natsume's user profile is based upon user activity information collected when the user enters the vicinity of an exhibit—not information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition. That is, Natsume's user profile describes a user, while a device effectiveness record describes a device. Without more, Natsume cannot disclose the third element of claim 1. Because

Natsume does not disclose each and every element and limitation of Applicants' claims, Natsume does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

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**Natsume Does Not Disclose Notifying A Second User
In A Second Domain Of The Effective Device ID**

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The Office Action takes the position that Natsume at paragraphs 0071, 0081, 0100, 0102, 0166-0168, 0189, and 0190 discloses the fourth element of claim 1: notifying a second user in a second domain of the effective device ID. Applicants respectfully note in response, however, that what Natsume at paragraphs 0071, 0081, 0100, 0102, 0166-0168, 0189, and 0190 in fact discloses is:

> [0071] Results produced by the user's behavior analyzing unit system-6 208 are transmitted to the exhibitors and/or the users as multimedia output results of analysis 214, which may include hard copies of text, drawings and photographs, or multimedia data transmitted over the Internet by the convention management system 204 automatically or upon request. The profiling includes probabilistic measurement of the likelihood of the subscriber partaking in particular activities. The profile created includes weighting factors.

> [0081] The user's behavior analyzing unit 208, in response to visitor or user information such as real time location, preference choices and inquiries or the like, analyzes such user information and creates a user profile. The user profile, under control of the data management unit 210, is stored in the user storage unit 211 or transmitted to a user or exhibitor, preferably by a LAN or WAN as a result of analysis 214. The profile created could include weighting factors and use fuzzy logic.

> [0100] FIG. 3, ACT 30: Periodically or upon request by a user or exhibitor or the data management unit 210 itself, a profile of the user's activity is sent from the user's behavior management unit system 208 to the data management unit 210, to be distributed according to the request. The data management unit 210 uses the profile to find other related activities of interest to the user. The data management unit 210 suggests such other related activities to the user. For example, if the user has just visited a station displaying and/or requested information concerning a specific product type, the data management unit 210 may make suggestions to the user as to other stations relating to that product type.

[0102] The data management unit 210 is connected by a WAN, for example, to the Internet and more specifically the WWW (World Wide Web) to function as a library or storage area for downloading information and user profiling to authorized exhibitors and users through direct requests, or a web site.

[0166] For example from a stored series of such information, the location information could be integrated over the time span that the user was at the specific location facility (exhibit station) to give an indication of the user's interest in the exhibit at the station, which is an example of a user profile. This could be combined, with weighting, with the users storing of multimedia information relating to that station to give a more meaningful user profile.

[0167] As another example from a stored series of such information for different users, the location information could be integrated over the time span that each of the users were at the specific location facility (restroom) and then the integrations summed with respect to all users of the same restroom within a given time span or as a graph of usage vs. operating times, to give an indication of the usage peak times to plan facilities and to indicate the need for cleaning and servicing the specific restroom. The results could also be used in planning the need for new facilities or changing of the existing ones.

[0168] The result of such analyzing is sent, by the user behavior analyzing unit 208, to the data management unit 210, where it may be distributed to management, to an exhibitor visited, to a related exhibitor who may wish to then contact the user, to the convention organizers as an indication of follow-up or planning needed, etc.

[0189] The portable user device 101 transmits to the convention management system 204 preference indicating information, such as time spent at a specific exhibit station, number of digital stills or elapsed time of video captured at a specific exhibit station, audio interviews or noted elapsed time of audio information captured at a specific exhibit station, or information quantity downloaded at a station. The user behavior unit uses this information to create user profiles on a real time basis as the user is at and traversing the exhibit stations. The user profile is used on a real time basis to automatically provide suggestions of information based on the profile to the user during the visit, which suggestions may be as to other stations to visit, other services or products, lectures, for example. The profiles are also issued as results of analysis 214 for exhibitors, to aid in marketing or to management to design future facilities better or to manage the existing facilities in a better manner.

[0190] The user profiles are stored and indexed to the unique user ID to tailor the transmission of multimedia information to the user device throughout a subsequent visit at various appropriate times during the visit. Thereby the profile is linked to product or service information that the user may be interested in to receive at any time during the initial or subsequent visits or over a WAN. The profiling would include probabilistic measurement of the likelihood of the user being interested in specific information or information categories. The profile could be used by an exhibitor for follow-up contact of the user.

That is, Natsume at paragraphs 0071, 0081, 0100, 0102, 0166-0168, 0189, and 0190, discloses providing a user's activity profile to exhibitors, to convention organizers, or to the user himself/herself. Natsume's providing a user's activity profile to exhibitors, to convention organizers, or to the user himself/herself, however, does not disclose notifying a second user in a second domain of the effective device ID as claimed in the present application because Natsume's user profile is not a device effectiveness record as claimed in the present application. As claimed, a device effectiveness record includes information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition. In contrast, Natsume's user profile is based upon user activity information collected when the user enters the vicinity of an exhibit—not information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition. That is, Natsume's user profile describes a user, while a device effectiveness record describes a device. Without more, Natsume cannot disclose the fourth element of claim 1. Because Natsume does not disclose each and every element and limitation of Applicants' claims, Natsume does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

Natsume Does Not Enable Each and Every Element Of The Claims Of The Present Application

Not only must Natsume disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants' claims, but also Natsume must be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the

claims were rejected because an earlier patent disclosed a structural similarity to the Appellant's chemical compound. The court in Hoeksema stated: "We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Natsume places Applicants' claims in the possession of a person of ordinary skill in the art, Natsume is legally insufficient to anticipate Applicants' claims under 35 U.S.C. § 102(e). As explained above, Natsume does not disclose each and every element and limitation of independent claim 1 of the present application. Because Natsume does not disclose each and every element and limitation of the independent claims, Natsume cannot possibly place the elements and limitations of independent claim 1 in the possession of a person of ordinary skill in the art. Natsume cannot, therefore, anticipate claim 1 of the present application.

Relations Among Claims

Independent claims 7 and 13 are system and computer program product claims, respectively, for improving the devices in a domain corresponding to independent method claim 1 that include "means for" and "means, recorded on [a] recording medium, for" improving the devices in a domain. Claim 1 is allowable for the reasons set forth above. Claims 7 and 13 are allowable for the same reasons that claim 1 is allowable. The rejections of claims 7 and 13 therefore should be withdrawn, and claims 7 and 13 should be allowed.

Claims 2-6, 8-12, and 14-18 depend respectively from independent claims 1, 7, and 13. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Natsume does not disclose or enable each and every element of the independent claims, Natsume does not disclose or enable each and every element of the

dependent claims of the present application. As such, the rejections of claims 2-6, 8-12, and 14-18 should also be withdrawn, and the claims should be allowed.

Conclusion

Claims 1-18 stand rejected under 35 U.S.C. § 102 as being anticipated by Natsume. For the reasons set forth above, Natsume does not disclose each and every element of Applicants' claims and does not enable Applicants' claims. Natsume therefore does not anticipate Applicants' claims. Claims 1-18 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-18.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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